

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AARON JABOT,

Plaintiff,

-v-

9:13-CV-1407
(DNH/TWD)

CORRECTION OFFICER MINOR,

Defendant.

APPEARANCES:

AARON JABOT
Plaintiff, *Pro Se*
15-A-4539
Auburn Correctional Facility
P.O. Box 618
Auburn, NY 13201

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Attorneys for Defendant James Thomsen
The Capitol
Albany, NY 12224

DAVID N. HURD
United States District Judge

OF COUNSEL:

RYAN E. MANLEY, ESQ.
Ass't Attorney General

DECISION and ORDER

Pro se plaintiff Aaron Jabot brought this civil rights action pursuant to 42 U.S.C. § 1983.

On July 15, 2016, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, advised by Report-Recommendation that defendant's motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 be granted and the complaint be dismissed. See ECF No.

58. Plaintiff has filed timely objections. See ECF Nos. 62, 63. Plaintiff has also submitted a letter motion seeking to amend his complaint. See ECF No. 60.

Based upon a de novo review of the portions of the Report- Recommendation to which plaintiff objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1). Further, plaintiff's motion to amend his complaint is denied as futile in light of the reasoning contained in the Report - Recommendation.

Therefore, it is ORDERED that:

1. Defendant's motion for summary judgment (ECF No. 52) is **GRANTED**;
2. Plaintiff's motion to amend his complaint (ECF No. 60) is **DENIED**; and
3. The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

The Clerk of the Court shall enter judgment and close this case.

IT IS SO ORDERED.



United States District Judge

Dated: September 21, 2016
Utica, New York